

Senate File 2152 - Introduced

SENATE FILE 2152

BY SODDERS and BOETTGER

A BILL FOR

1 An Act providing for the practice of a licensed midwife and
2 providing for a fee and a penalty.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 147.1, subsections 3 and 6, Code 2014,
2 are amended to read as follows:

3 3. "*Licensed*" or "*certified*", when applied to a physician
4 and surgeon, podiatric physician, osteopathic physician and
5 surgeon, physician assistant, psychologist, chiropractor,
6 nurse, dentist, dental hygienist, dental assistant,
7 optometrist, speech pathologist, audiologist, pharmacist,
8 physical therapist, physical therapist assistant, occupational
9 therapist, occupational therapy assistant, orthotist,
10 prosthetist, pedorthist, respiratory care practitioner,
11 practitioner of cosmetology arts and sciences, practitioner
12 of barbering, funeral director, dietitian, marital and family
13 therapist, mental health counselor, social worker, massage
14 therapist, midwife, athletic trainer, acupuncturist, nursing
15 home administrator, hearing aid dispenser, or sign language
16 interpreter or transliterator means a person licensed under
17 this subtitle.

18 6. "*Profession*" means medicine and surgery, podiatry,
19 osteopathic medicine and surgery, practice as a physician
20 assistant, psychology, chiropractic, nursing, dentistry,
21 dental hygiene, dental assisting, optometry, speech pathology,
22 audiology, pharmacy, physical therapy, physical therapist
23 assisting, occupational therapy, occupational therapy
24 assisting, respiratory care, cosmetology arts and sciences,
25 barbering, mortuary science, marital and family therapy,
26 mental health counseling, social work, dietetics, massage
27 therapy, midwifery, athletic training, acupuncture, nursing
28 home administration, hearing aid dispensing, sign language
29 interpreting or transliterating, orthotics, prosthetics, or
30 pedorthics.

31 Sec. 2. Section 147.13, Code 2014, is amended by adding the
32 following new subsection:

33 NEW SUBSECTION. 25. For midwifery, the board of midwifery.

34 Sec. 3. Section 147.14, subsection 1, Code 2014, is amended
35 by adding the following new paragraph:

1 NEW PARAGRAPH. *x.* For midwifery, a total of seven members,
2 four members who are licensed midwives under chapter 148G;
3 one member who is licensed under chapter 148, is a practicing
4 family physician, and has professional experience consulting
5 for and collaborating with direct-entry midwives; and two
6 members who are not licensed midwives or licensed health care
7 providers who have received direct-entry midwifery services and
8 who shall represent the general public.

9 Sec. 4. Section 147.74, Code 2014, is amended by adding the
10 following new subsection:

11 NEW SUBSECTION. 5A. A midwife licensed under chapter 148G
12 may use the words "licensed midwife" or the initials "L.M."
13 after the person's name.

14 Sec. 5. NEW SECTION. **148G.1 Legislative intent.**

15 The general assembly recognizes the need for a person to have
16 the freedom to choose the manner, cost, and setting for giving
17 birth. The general assembly finds that access to prenatal care
18 and delivery services is limited by the inadequate number of
19 providers of such services and that the practice of midwifery
20 may help to reduce this shortage. The general assembly also
21 recognizes the need for the safe and effective delivery of
22 newborn babies and the health, safety, and welfare of their
23 mothers in the delivery process. The general assembly, in
24 the interest of public health, promotes the regulation of the
25 practice of midwifery in Iowa for the purpose of protecting the
26 health and welfare of women and infants. The general assembly
27 recognizes that midwifery is a profession in its own right and
28 that it is not the practice of medicine or nursing.

29 Sec. 6. NEW SECTION. **148G.2 Definitions.**

30 As used in this chapter, unless the context otherwise
31 requires:

32 1. *"Board"* means the board of midwifery.

33 2. *"Licensed midwife"* means a person who is licensed to
34 practice midwifery as provided in this chapter and has obtained
35 national certification from the North American registry of

1 midwives, or a successor organization.

2 3. "*Midwife*" means a person who is trained to give the
3 necessary care and advice to women during pregnancy, labor,
4 and the post-birth period, to conduct normal deliveries on
5 the midwife's own responsibility, and to care for the newly
6 born infant, and who is able to recognize the warning signs of
7 abnormal conditions requiring referral to or collaboration with
8 a physician.

9 4. "*Midwifery*" means the practice of attending women
10 experiencing low-risk pregnancies during pregnancy, labor, and
11 the post-birth period with the informed consent of the woman,
12 and the provision of comprehensive care of the pregnant woman
13 during the antepartal phase, intrapartal phase, and postpartal
14 phase, and the application of emergency care when necessary.

15 5. "*Out-of-hospital*" means any facility, institution, or
16 place which is not an ambulatory surgical center or a hospital,
17 such as a birth center as defined in section 135.61 or a
18 private home.

19 Sec. 7. NEW SECTION. 148G.3 Licensure — licensed
20 midwifery.

21 1. Except as provided in section 146G.7, subsection 1,
22 beginning July 1, 2015, every person practicing as a licensed
23 midwife in this state must be licensed pursuant to this
24 chapter. The board shall adopt rules pursuant to chapters 17A,
25 147, and 272C establishing procedures for the licensing of new
26 and practicing midwives.

27 2. Prior to obtaining licensure, an applicant shall
28 successfully pass an examination prescribed and approved by
29 the board as determined in rule demonstrating competencies
30 in at least all of the following areas: risk assessment
31 and management; prenatal care; management of normal labor,
32 birth, and postpartum; newborn care up to six weeks; and adult
33 cardiopulmonary resuscitation and newborn resuscitation. A
34 person practicing as a midwife before July 1, 2015, shall be
35 issued a license without examination.

1 3. The applicant shall hold a certified professional
2 midwife credential issued by the North American registry of
3 midwives or any other nationally accredited credential as
4 specified by the board. If an applicant has been subject to
5 prior revocation of a license to practice medicine or nursing,
6 the applicant shall not be eligible for licensure under this
7 chapter, except as determined by the board.

8 4. The board may request, at the applicant's expense, that
9 the department of public safety perform a criminal history
10 check and the department of human services perform child and
11 dependent adult abuse record checks of the applicant. If an
12 applicant has a criminal record or a record of founded child or
13 dependent adult abuse, the board shall perform an evaluation to
14 determine whether the record warrants denial of licensure.

15 Sec. 8. NEW SECTION. 148G.4 Use of title — penalty.

16 A person shall not use the title licensed midwife, describe
17 or imply that the person is a licensed midwife, or represent
18 the person as a licensed midwife unless the person is licensed
19 under this chapter or is licensed as a nurse-midwife under
20 chapter 152.

21 Sec. 9. NEW SECTION. 148G.5 Rules.

22 1. The board shall:

23 a. Adopt rules relating to standards for professional
24 conduct of persons licensed under this chapter.

25 b. Adopt rules consistent with this chapter and with
26 chapters 147 and 272C which are necessary for the performance
27 of its duties.

28 c. Act on matters concerning licensure and the processes
29 of applying for, granting, suspending, imposing supervisory
30 or probationary conditions upon, reinstating, and revoking a
31 license.

32 d. Administer the provisions of this chapter requiring
33 documentation required to demonstrate competence as a midwife,
34 and the processing of applications for licenses and license
35 renewal.

1 *e.* Develop continuing education requirements as a condition
2 of license renewal.

3 *f.* Evaluate requirements for licensure in other states to
4 determine if reciprocity may be granted.

5 *g.* Establish and collect licensure fees as provided in
6 section 147.80 and retain fees as provided in section 147.82.

7 *h.* Establish procedures for the issuance, renewal, and
8 revocation or suspension of a license under this chapter.

9 *i.* Maintain a registry of licensed midwives and statistics
10 on the practice of midwifery utilizing vital statistics data.

11 2. In developing rules, the board may consult with
12 persons knowledgeable regarding the prenatal and postpartum
13 birth process, particularly those possessing experience with
14 out-of-hospital births, including but not limited to persons
15 licensed under chapter 148, certified professional midwives,
16 advanced registered nurse practitioners who are certified nurse
17 midwives, and women who have given birth in an out-of-hospital
18 setting. In developing rules relating to the practice of
19 midwifery, the board shall reflect the knowledge and skills
20 identified by the North American registry of midwives' current
21 job description for the profession and the standards of
22 practice of midwifery established by the national association
23 of certified professional midwives or a successor organization.

24 3. Rules relating to the practice of midwifery shall be
25 consistent with the North American registry of midwives'
26 current job description for the profession and the standards
27 of practice of midwifery established by the national
28 association of certified professional midwives or a successor
29 organization, and shall not expand the scope of practice of
30 midwifery established by the national association of certified
31 professional midwives or a successor organization.

32 4. At such time as the board determines that liability
33 insurance is available at an affordable price to certified
34 professional midwives, the board may mandate such coverage.
35 Until that time, each midwife shall comply with the disclosure

1 requirements in section 148G.6.

2 Sec. 10. NEW SECTION. **148G.6 Client disclosure.**

3 Prior to accepting a patient for midwifery care, a licensed
4 midwife shall provide information indicating all of the
5 following:

6 1. Evidence that the care provider is a licensed midwife
7 meeting the requirements of this chapter.

8 2. Whether the licensed midwife has malpractice liability
9 insurance coverage and the policy limits of such coverage.

10 3. The midwife's educational background and relevant
11 experience, including experience in various birth settings.

12 4. The nature, scope, and location of the care to be
13 given, including the possibility of and the guidelines for
14 consultation, referral, or transfer of the patient to a
15 hospital from an out-of-hospital setting.

16 Sec. 11. NEW SECTION. **148G.7 Exceptions.**

17 1. This chapter or chapter 148 or 152 does not prohibit
18 an unlicensed individual from providing services consistent
19 with the nature of the practice of midwifery to a woman who
20 has specifically requested that the individual provide the
21 services.

22 2. This chapter does not prevent qualified members of other
23 professions including but not limited to individuals licensed
24 under chapter 148 or 152 from providing services consistent
25 with the nature of the practice of midwifery.

26 3. This chapter does not prevent or prohibit a student
27 midwife from performing tasks related to the practice of
28 midwifery under the supervision of a licensed midwife, a
29 certified nurse midwife, or a licensed physician during
30 completion of the licensure process.

31 4. The practice of midwifery in this state prior to July
32 1, 2015, shall not constitute grounds for disciplinary action
33 by the board. The board may issue a license to a person who
34 has practiced midwifery in this state prior to that date upon
35 application and compliance with the provisions of this chapter

1 and the rules adopted pursuant to this chapter.

2 Sec. 12. Section 272C.1, subsection 6, Code 2014, is amended
3 by adding the following new paragraph:

4 NEW PARAGRAPH. *ag.* The board of midwifery, created pursuant
5 to chapter 147.

6 Sec. 13. Section 272C.4, subsection 6, Code 2014, is amended
7 to read as follows:

8 6. Define by rule acts or omissions that are grounds for
9 revocation or suspension of a license under section 100D.5,
10 105.22, 147.55, 148.6, 148B.7, 148G.5, 152.10, 153.34, 154A.24,
11 169.13, 455B.219, 542.10, 542B.21, 543B.29, 544A.13, 544B.15,
12 or 602.3203 or chapter 151 or 155, as applicable, and to define
13 by rule acts or omissions that constitute negligence, careless
14 acts, or omissions within the meaning of section 272C.3,
15 subsection 2, paragraph "b", which licensees are required to
16 report to the board pursuant to section 272C.9, subsection 2.

17 Sec. 14. INITIAL APPOINTMENTS.

18 1. Notwithstanding any provision to the contrary in this
19 Act, the initial midwife appointees to the board of midwifery
20 shall fulfill the national certification requirements of the
21 North American registry of midwives.

22 2. Two of the initial midwife appointments to the board
23 shall be appointed for a one-year term, one shall be appointed
24 for a two-year term, and one shall be appointed for a
25 three-year term. The member who is licensed under chapter
26 148 shall be appointed for a two-year term, and the members
27 representing the general public shall each be appointed to a
28 three-year term.

29 EXPLANATION

30 The inclusion of this explanation does not constitute agreement with
31 the explanation's substance by the members of the general assembly.

32 This bill creates new Code chapter 148G that provides for
33 the title practice of licensed midwives beginning July 1, 2015.
34 A midwife provides comprehensive maternity care, to low-risk
35 women, during the antepartum, intrapartum, or postpartum

1 period.

2 The bill does not prohibit unlicensed practice; an
3 unlicensed individual may provide services consistent with
4 the nature of the practice of midwifery to a woman who has
5 specifically requested that the individual provide the
6 services.

7 The bill provides for the establishment of a seven-member
8 board of midwifery consisting of four members who are midwives,
9 one physician, and two members who represent the general
10 public. The bill provides for fees to fund the board and
11 provides penalties for violation of the licensure requirement;
12 those penalties are set out for all health-related boards in
13 Code chapters 147 and 272C. Code section 147.86 provides that
14 it is a serious misdemeanor to violate a provision of the
15 licensing laws.

16 A midwife practicing prior to the effective date of this Act
17 is not required to take the examination.

18 The board is similar in composition and responsibilities to
19 other health-related licensing boards.